



Department of Planning, Building and Code Enforcement

HARRY FREITAS, DIRECTOR

STATEMENT OF EXEMPTION

FILE NO.	CP14-062
LOCATION OF PROPERTY	3924 Williams Road, approximately 241 feet easterly of Oakmont Place.
PROJECT DESCRIPTION	Conditional Use Permit to convert a vacant medical office building to a private school serving up to 192 students, grades pre-kindergarten to middle school, on an approximately 0.97 gross acre site.
ASSESSOR'S PARCEL NUMBER	299-18-130 and 299-18-132

CERTIFICATION

Under the provisions of Section 15332 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

15332. In-fill Development Projects.

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

- (e) The site can be adequately served by all required utilities and public service.

Analysis

The subject Conditional Use Permit would allow the reuse of an existing 11,820 square foot medical office building for a private school with up to 192 students. Champion School proposes to serve 72 preschool students and 120 kindergarten through 8th grade students at this site. Soil disturbance will be limited to installation of a new play structure and grass play field on-site. A Noise Study was prepared for this project by Mei Wu Acoustics in March 2015. A Transportation Impact Assessment (TIA) report was prepared for this project by Hexagon Transportation Engineers, Inc., in March 2015. The Noise Study and TIA address potential noise and transportation issues that may arise from the construction and/or operation of the project, and provide documentation to support the Categorical Exemption for Infill Development Projects. The project meets all the criteria outlined in Section 15332 of the CEQA Guidelines to qualify for an infill exemption, as discussed below:

- a) *Consistency with General Plan and Zoning:* The site is designated as *Neighborhood/Community Commercial* in the City's General Plan. This designation allows for a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. Given that the proposed school will serve the local community, the proposed use is consistent with the Neighborhood/Community Commercial land use designation. The site is zoned *CO Commercial Office*. The existing building conforms to the development standards set forth in the CO Zoning District. Private schools in the CO Zoning District are permitted with the approval of a Conditional Use Permit.
- b) *Location of property:* The property is less than five acres (0.95 gross acres) and is located within the San Jose city limits, and is surrounded by residential and commercial uses, with a commercial use immediately east of the project, and residential neighborhoods to the south, east and west of the project site.
- c) *Value as habitat:* The project site is located in a fully developed urban environment and is not in proximity to any rivers, local waterways, or riparian habitat. No trees will be removed from the site. The proposed project is not a covered activity under the Santa Clara Valley Habitat Conservation Plan because the site is less than two acres and has a land cover designation of Urban – Suburban. There are no suitable habitats for endangered, rare, or threatened species on the project site.

Effects on traffic, noise, air quality, and water quality: The project will not result in any significant effect on traffic, noise, air quality, or water quality because:

- *Traffic:* A Traffic Impact Analysis has been performed for this project. Three signalized intersections were analyzed for the AM and PM peak commute hours. The results indicate that no intersection would be significantly impacted by the addition of project traffic.

There are existing sidewalks along Williams Road and nearly all of the surrounding streets in the project vicinity including a high visibility crosswalk on the west side of the intersection of Oakmont Place and Williams Road. In general, the site is well-served by bicycle facilities and bicycle-friendly streets and the project is providing a total of 64 bike parking spaces which satisfies the parking space requirements.

The City's Department of Transportation concluded that the subject project will be in conformance with the City of San Jose Transportation Level of Service Policy (Council Policy 5-3) and the Santa Clara County Congestion Management Program. Therefore, traffic impacts will be less than significant. See separate Traffic memo dated March 18, 2015 for additional information.

- *Noise:* The San Jose Noise Element establishes exterior noise criteria for land uses in the City of San Jose. For day care uses, such as this proposed school, exterior noise environments between 60 and 75 dB DNL are conditionally acceptable, i.e., the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in the design.

The Noise Study, prepared by Mei Wu Acoustics, analyzed the exterior noise levels generated by the project. This study details the measured ambient noise at the site, and estimations of noise impacts due to construction, increased traffic, and children's voices in the outdoor areas of the site. The key noise requirements are given in terms of the equivalent A-weighted day-night sound level (LDN or DNL hereafter) which is comprised of hourly averaged noise levels, with a ten decibel penalty applied to hours between 10:00 pm and 7:00 am. The hourly sound levels, with penalties applied, are averaged into a single DNL number. The calculations, combined with our measured ambient sound levels, show that the resultant noise levels will be 60 dBA DNL including ambient, additional traffic and play area noise combined. Existing wood fences along the east, west, and south property lines will further reduce noise levels to adjacent properties. This meets the City of San Jose's exterior noise thresholds for noise impacts under CEQA. Therefore, operational noise impacts from the project will be less than significant.

Construction of the project will temporarily elevate noise levels in the immediate project area from the use of construction equipment. The project site is adjacent to residential sensitive receptors that can be affected by construction-related noise from the project. As a part of the development permit approval, the project proponent would conform to the following conditions.

Standard Permit Conditions

- Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.
- Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.

Conformance with the above standard permit conditions will ensure that construction noise impacts would be reduced to a less than significant level.

- *Air Quality:* Operational Impacts: The BAAQMD CEQA Guidelines include screening levels and thresholds for evaluating air quality impacts in the Bay Area. The BAAQMD screening levels are based on project size and thresholds of significance for air pollutant emissions. The applicable land use category from the BAAQMD’s screening criteria tables for the proposed project is “daycare center.” For operational impacts from criteria pollutants, the screening size is 53,000 square feet. The proposed preschool/daycare center is 11,820 (gross) square feet and well below the BAAQMD screening size. Therefore, the project will result in a less than significant impact to air quality.

Construction Impacts: The project proposes no demolition or construction of buildings on site. Installation of the new play structure and grass play field will require minimal excavation of soil. Installation of the play structure and grass play field will not result in substantial construction dust, exhaust, or particulate matter emissions due to the short construction period and minimal disturbance to soil. The project will be required to comply with BAAQMD’s Basic Control Measures during construction to minimize fugitive dust and criteria pollutants.

- *Water Quality:* The project will occupy an existing medical office building, and use of the site as a school will not involve any activities that will generate or otherwise affect runoff. Stormwater runoff will drain into the existing storm inlets on-site. The project will be required to comply with NPDES General Permit for Construction and City of San Jose Grading

e) *Adequate public services:* The project site is located within an urbanized area with adequate sewer, water, and electricity service.

Harry Freitas, Director
Planning, Building and Code Enforcement

John Dailson

Date: April 2, 2015

Deputy

Transportation Impact Assessment, Hexagon Transportation Engineers, Inc, dated March 18, 2015